

**SUPREME COURT MINUTES
WEDNESDAY, DECEMBER 17, 2003
SAN FRANCISCO, CALIFORNIA**

S069685

PRICE (CURTIS F.) ON H.C.
Order to show cause issued

The Director of Corrections is ordered to show cause before this court when the proceeding is ordered on calendar, why the relief prayed for should not be granted on the ground that: the prosecutor in this case improperly tampered with a sitting juror by sending her alcoholic drinks and money, telling her to return a guilty verdict. The written return is to be filed and served on or before January 16, 2004.

Justice Werdegarr is of the opinion an order to show cause should also be issued regarding petitioner's claim of actual innocence of the murder of Richard Barnes.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S119897

B149092 Second Appellate District,
Division Three

COALITION OF CONCERNED COMMUNITIES v.
CITY OF LOS ANGELES (CATELLUS RESIDENT
Petition for review granted; issues limited

The issue to be briefed and argued is limited to the following: Does the term "housing development" -- for purposes of the Mello Act requirement that a developer provide affordable housing, where feasible, when a new housing development is constructed within the coastal zone subject to the jurisdiction of the California Coastal Commission (Gov. Code, § 65590) -- refer only to the actual housing component of a project, or is the Mello Act applicable if some aspects of the project are in the coastal zone even if all actual housing is to be constructed outside the coastal zone?

Votes: George, C.J., Kennard, Werdegarr, Chin, and Moreno, JJ.

S119828

B163953 Second Appellate District,
Division Five

PEOPLE v. VILLEGAS

Review granted/briefing deferred (rule 29.1)'

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Howard*, S108353 (see Cal. Rules of Court, rule 28.2 (c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S120337

C040513 Third Appellate District

PEOPLE v. MCDANIEL

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Griffin*, S109734 (see Cal. Rules of Court, rule 28.2 (c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S111439

REGENTS OF THE UNIVERSITY OF CALIFORNIA
v. P.U.C. (SOUTHERN CALIF. EDISON CO.)
Petition for writ of review denied

S114403

FEDERAL EXECUTIVE AGENCIES v. P.U.C.
(SOUTHERN CALIF. EDISON CO.)
Petition for writ of review denied

S116759

DOOLIN (KEITH ZON) v. S.C. (PEOPLE)
Petition for writ of mandate/prohibition denied

The petition for writ of mandate filed June 17,
2003, is denied on the merits.

S119308

B169782 Second Appellate District,
Division Three

KEY (MCKINLEY) ON H.C.
Petition for review denied

S119314

F041747 Fifth Appellate District

ELIZALDI (ANTHONY ADAM) ON H.C.
Petition for review denied

S119369

B142962 Second Appellate District,
Division One

COLMENARES v. BRAEMAR COUNTRY CLUB
Petition for review denied

S119483

BEDROSSIAN v. STATE BAR
Petition for writ of review denied

S119484

B160933 Second Appellate District,
Division Two

PEOPLE v. CARRELES
Petitions for review denied

S119530

LA-PHAM ON ADMISSION
Petition for writ of review denied

S119616

D037390 Fourth Appellate District,
Division One

ST. PAUL MERCURY INSURANCE v. FRONTIER
PACIFIC INSURANCE CO.
Petition for review denied

S119659

B165358 Second Appellate District,
Division Four

MILLER (STEVEN T.) ON H.C.
Petition for review denied

S119717

D040034 Fourth Appellate District,
Division One

CALIFORNIA EMERGENCY PHYSICIANS v.
PACIFICARE OF CALIF.
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S119745

F041054 Fifth Appellate District

JOHNSON v. FRESNO, COUNTY OF

Petition for review & depublication request denied

Baxter, J., is of the opinion the petition should be granted.

S119799

C041078 Third Appellate District

PEOPLE v. KOLLARS

Petition for review denied

S119805A096358 First Appellate District,
A101442 Division Two

PEOPLE v. BLACH

Petition for review denied

S119820E031301 Fourth Appellate District,
E033723 Division Two

PEOPLE v. WILLIAMS

Petition for review denied

S119833G031676 Fourth Appellate District,
Division Three

CARTER, ESTATE OF

Petition for review denied

S119848

H024530 Sixth Appellate District

SHEN v. WONG

Petition for review denied

S119942E032607 Fourth Appellate District,
Division TwoUPLAND POLICE OFFICERS ASSOCIATION v.
CITY OF UPLAND

Petition for review & depublication request denied

Kennard, J., is of the opinion the petition should be granted.

S119967

F040902 Fifth Appellate District

PEOPLE v. WALKER

Petition for review denied

S120034

H024126 Sixth Appellate District

PEOPLE v. MATTOS

Petition for review denied

S120050

F041006 Fifth Appellate District

PEOPLE v. REXELLE

Petition for review denied

Baxter, J., was recused and did not participate.

S120052

H026147 Sixth Appellate District

STIMSON LUMBER v. S.C. (LICK MILL CREEK APARTMENTS)

Petition for review and application for stay denied

S120098

C041370 Third Appellate District

PEOPLE v. PHETCHAMPHONE

Petition for review denied

S120116

C041350 Third Appellate District

PEOPLE v. SMITH

Petition for review denied

S120120E030832 Fourth Appellate District,
Division Two

PEOPLE v. CORDERO

Petition for review denied

S120142B158825 Second Appellate District,
Division Eight

PEOPLE v. CASAS

Petitions for review denied

S120143B152072 Second Appellate District,
B158370 Division Three

PEOPLE v. ANGULO

Petitions for review denied

S120144B160935 Second Appellate District,
Division Three

PEOPLE v. SOTH

Petition for review denied

S120148A100434 First Appellate District,
Division Two

H. (NICHOLAS), IN RE

Petition for review denied

S120170B156285 Second Appellate District,
Division One

PEOPLE v. FOSTER

Petitions for review denied

S120177

B158604 Second Appellate District,
B161876 Division Eight

PEOPLE v. BERREONDO

Petition for review denied

S120179

B159570 Second Appellate District,
Division Five

PEOPLE v. RODRIGUEZ

Petition for review denied

S120188

A104142 First Appellate District,
Division Five

SANTAMARIA v. S.C. (SAN GABRIEL VALLEY)

Petition for review denied

Kennard, J., was recused and did not participate.

S120203

B158777 Second Appellate District,
Division Two

MARSHALL v. CALIF. DEPT. OF HEALTH SVCS.

Petition for review & publication request denied

S120209

D039471 Fourth Appellate District,
Division One

SAN DIEGO COUNTY v. COMMISSION ON STATE
MANDATES

Petitions for review denied

S120210

C037364 Third Appellate District

PEOPLE v. ELLIOTT

Petitions for review denied

S120220

G032962 Fourth Appellate District,
Division Three

BARNES & NOBLE v. S.C. (REINARD)

Petition for review denied

S120234

B158878 Second Appellate District,
Division Eight

PEOPLE v. CODDIE

Petition for review denied

S120306

B160898 Second Appellate District,
Division Three

ALLIED GOVERNMENT SERVICES.. v.
LYNWOOD, CITY OF

Petition for review denied

S120313

B160402 Second Appellate District,
Division Seven

PEOPLE v. MCGOWAN

Petition for review denied

S120323

B159294 Second Appellate District,
Division Three

PEOPLE v. PINKSTON
Petition for review denied

S120324

B161885 Second Appellate District,
B165307 Division Four

CHASE DENNIS EMERGENCY MEDICAL GROUP
v. AETNA U.S. HEALTHCARE
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S120330

E032093 Fourth Appellate District,
Division Two

PEOPLE v. CASADOS
Petition for review denied

S120335

G030535 Fourth Appellate District,
Division Three

PEOPLE v. MORTON
Petition for review denied

S120346

A100826 First Appellate District,
Division Two

PEOPLE v. SAUNDERS
Petition for review denied

S120354

B159671 Second Appellate District,
Division Seven

PEOPLE v. LIPSCOMB
Petitions for review denied

S120357

A098921 First Appellate District,
Division One

PEOPLE v. GONZALEZ
Petition for review denied

S120361

A104228 First Appellate District,
A103713 Division Five

ALEXANDER v. S.C. (PEOPLE)
Petition for review denied

S120364

G030139 Fourth Appellate District,
Division Three

PEOPLE v. BUSTOS
Petition for review denied

S120375
C040962 Third Appellate District

PEOPLE v. CALDWELL
Petition for review denied

S120376
A099885 First Appellate District,
Division Five

PEOPLE v. ARREDONDO
Petition for review denied

S120379
A099844 First Appellate District,
Division Five

PEOPLE v. DIXON
Petition for review denied

S120387
C042211 Third Appellate District

PEOPLE v. GANDY
Petition for review denied

S120389
D041000 Fourth Appellate District,
Division One

C. (CEDRIC), IN RE
Petition for review denied

S120390
H026345 Sixth Appellate District

WORD (MYRON E.) ON H.C.
Petition for review denied

S120397
A100510 First Appellate District,
Division Five

KONTRABECKI GROUP v. CITY OF LIVERMORE
Petition for review denied

S120399
F041062 Fifth Appellate District

PEOPLE v. MENDIOLA
Petition for review denied

Baxter, J., was recused and did not participate.

S120401
C041252 Third Appellate District

PEOPLE v. SHEARER
Petition for review denied

S120403
B159843 Second Appellate District,
Division Eight

PEOPLE v. RODRIGUEZ
Petition for review denied

S120406
B157575 Second Appellate District,
Division Eight

PEOPLE v. SIMS
Petition for review denied

S120407
B159990 Second Appellate District,
Division One

PEOPLE v. BOJORQUEZ
Petition for review denied

S120408
B168402 Second Appellate District,
Division Seven

BOYKO v. W.C.A.B. (FEDERAL EXPRESS)
Petition for review denied

S120412
A097931 First Appellate District,
Division One

PEOPLE v. CELESTINE
Petition for review denied

S120413
C041760 Third Appellate District

PEOPLE v. DOUGLASS
Petition for review denied

S120417
C039532 Third Appellate District

PEOPLE v. BROWNLEE
Petition for review denied

S120419
F041666 Fifth Appellate District

PEOPLE v. ABARCA
Petition for review denied

Baxter, J., was recused and did not participate.

S120426
A099027 First Appellate District,
Division Two

F. (DANIEL), IN RE
Petitions for review denied

S120427
B156990 Second Appellate District,
Division Eight

PEOPLE v. MIKO
Petition for review denied

S120430
B159584 Second Appellate District,
Division Four

PEOPLE v. BERTELS
Petition for review denied

S120437
C042813 Third Appellate District

F. (ENRICO), IN RE
Petition for review denied

S120440

G030708 Fourth Appellate District,
Division Three

PEOPLE v. WILLIAMS
Petition for review denied

S120443

A103147 First Appellate District,
Division Three

COOKE v. W.C.A.B. (KAWASAKI MOTORS)
Petition for review denied

S120444

H024933 Sixth Appellate District

PEOPLE v. CONNER
Petition for review denied

S120449

E032096 Fourth Appellate District,
Division Two

PEOPLE v. DAVILA
Petition for review denied

S120457

E033145 Fourth Appellate District,
Division Two

PEOPLE v. VILLA
Petition for review denied

S120460

C039853 Third Appellate District

PEOPLE v. SISTRUNK
Petition for review denied

S120462

A101495 First Appellate District,
Division One

PEOPLE v. ROMERO
Petition for review denied

S120467

B163775 Second Appellate District,
Division Three

PEOPLE v. DAVIS
Petition for review denied

S120469

F041588 Fifth Appellate District

G. (JESSE), IN RE
Petition for review denied

S120471

A104134 First Appellate District,
Division Four

CRAMER (JAMES) ON H.C.
Petition for review denied

S120476
C041133 Third Appellate District

PEOPLE v. CLARK
Petition for review denied

S120477
C039823 Third Appellate District

PEOPLE v. WILLIAMS
Petition for review denied

S120514
E031997 Fourth Appellate District,
Division Two

PEOPLE v. HALL
Petition for review denied

S120542
F041098 Fifth Appellate District

PROPLE v. MONTES
Petition for review denied

Baxter, J., was recused and did not participate.

S120555
E034587 Fourth Appellate District,
Division Two

WATUNG v. WCAB (GOLDEN)
Petition for review denied

S120571
B165137 Second Appellate District,
Division Seven

RAMOS v. CERRITOS COMMUNITY COLLEGE
Petition for review denied

S120589
B169399 Second Appellate District,
Division One

WHITTIER, CITY OF v. WCAB (OTTERMAN)
Petition for review denied

S120883

LOPEZ v. CA (PEOPLE)
Petition for writ of mandate/prohibition denied

S120885
B171424 Second Appellate District,
Division Three

MOURADIAN v. S.C. (PEOPLE)
Petition for review denied

S121101
A104696 First Appellate District,
Division Five

FELIX v. S.C. (PEOPLE)
Petition for review and application for stay denied

S074476
S076899
S079926

MARKS (DELANEY G.) ON H.C.
Orders filed (3 each)

Inasmuch as petitioner is represented by counsel, the following documents submitted by petitioner pro se have been considered only to the extent that they constitute or incorporate motions or applications or requests that concern counsel's representation and/or fall outside the scope of counsel's representation (see *In re Barnett* (2003) 31 Cal.4th 466, 469), and to that extent are denied: petitions for writ of habeas corpus, filed November 3, 1998 (S074476), March 2, 1999 (S076899) and June 23, 1999 (S079926).

S107868

MARTIN (DWIGHT) ON H.C.
Petition for writ of habeas corpus denied

S112149
D040123 Fourth Appellate District,
Division One

ADKINS (DUPREE LAMONT) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S113754

WOODSON (MAURICE) ON H.C.
Petition for writ of habeas corpus denied

S113925

KHAIMCHAYEV (MIKHAIL) ON H.C.
Petition for writ of habeas corpus denied

S113954

MC GEE (CLIFTON R.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S114019

HERNANDEZ (MANUEL) ON H.C.
Petition for writ of habeas corpus denied

S114179

CHACON (FREDDY) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S114186

LOPEZ (MARTIN V.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S114197	OWENS (RONALD D.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S114215	CRENSHAW (DOUGLAS L.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S114724	OLLISON (DARYL LAVON) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S114731	ELIAS (RAYMOND) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S114755	PEREZ (TIMOTHY D.) ON H.C. Petition for writ of habeas corpus denied
S114805	OCHOA (FERMIN) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115047	BUTLER (STEVEN A.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115109	HICKS (ERIC T.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115147	KARIM (SHONTA J.) ON H.C. Petition for writ of habeas corpus denied
S115161	GRAY (DERRICK E.) ON H.C. Petition for writ of habeas corpus denied
S115166	NGUYEN (TAM D.) ON H.C. Petition for writ of habeas corpus denied
S115203	CHAVEZ (RAUL M.) ON H.C. Petition for writ of habeas corpus denied with citation(s)

S115223

BURGESS (DWAYNE L.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S115226

WHITE (JAMES R.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S115231

OWENS (STEVEN L.) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

S115298

CHERRY (JAMES) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S115308

LASKODI (MARK) ON H.C.

Petition for writ of habeas corpus denied

S115335

HALL (VINCENT) ON H.C.

Petition for writ of habeas corpus denied

S115336

BAUTISTA (ESTEBAN V.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S115338

TURNER (RAYMOND) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S115339

BOTTING (JOHN) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was recused and did not participate.

S115344

JACKSON (CHARLES) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S115362

DAVIS (STAFFORD B.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S115403	DURAN (DAVID) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115404	
	LEWIS (DONALD RAY) ON H.C. Petition for writ of habeas corpus denied Brown, J., was recused and did not participate.
S115405	
	FRAZIER (ERIC A.) ON H.C. Petition for writ of habeas corpus denied
S115482	
	CARTER (JERMAINE) ON H.C. Petition for writ of habeas corpus denied
S115491	
	TIMMONS (CLARENCE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115511	
	CARLOS (FRANCISCO) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115515	
	HERNANDEZ (RANDOLPH) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115526	
	EUSEBIO (ROBERT) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115528	
	ROBINS (RONALD L.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115534	
	LINDSEY (MACIO) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115537	
	MARTIN (JAMES) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115663	
	FANIEL (ROMAN N.) ON H.C. Petition for writ of habeas corpus denied with citation(s)

S115782	WHALEY (ANTHONY) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115784	VALENZUELA (GEORGE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115803	MOSES (ARTHUR C.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S116065	JONES (HUEY P.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S118091	NEWMAN (CHARLES) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S118227	PRITCHETT (NOEL A.) ON H.C. Petition for writ of habeas corpus denied
S118351	SOKOLSKY (MARK S.) ON H.C. Petition for writ of habeas corpus denied
S118446	BUNDY (MICHAEL) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S118476	PEREIRA (EDWARD C.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S118615	BLACK (ROBERT) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S119909	HALL (VINCENT) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S119997	SIMPSON (ANTHONY) ON H.C. Petition for writ of habeas corpus denied with citation(s)

S120365	ZAMORA (DONALD DALE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S120405	GUZMAN (CARLOS J.) ON H.C. Petition for writ of habeas corpus denied
S120716	YOON (HANG NAM) ON H.C. Petition for writ of habeas corpus denied
S120768	SHELTON (JOSEPH K.) ON H.C. Petition for writ of habeas corpus denied
S118545 H024597 Sixth Appellate District	FOX v. GOOD SAMARITAN HOSPITAL Publication request denied (case closed)
S119784 F043089 Fifth Appellate District	B. (JENNIFER), IN RE Publication request denied (case closed)
S120606 B152148 Second Appellate District, Division Three	SPARTAN LACQUER & PAINT v. CALIFORNIA REGIONAL WATER QUALITY CONTROL BD. Publication request denied (case closed)
S120647	PEOPLE v. GRANICY Publication request denied (case closed)
S120728 C041404 Third Appellate District	PEOPLE v. JONES Depublication request denied (case closed)
S119950 G031028 Fourth Appellate District, Division Three	PEOPLE v. GUTIERREZ Time extended to grant or deny review to February 10, 2004
S120033 B151127 Second Appellate District, Division Three	ROSS v. SANTA BARBARA NEWS PRESS Time extended to grant or deny review to January 30, 2004

S120100

A098773 First Appellate District,
A102679 Division Three

PEOPLE v. JILES

Time extended to grant or deny review

to January 27, 2004

S120113

B169166 Second Appellate District,
Division Three

PEOPLE v. S.C. (BLAKE)

Time extended to grant or deny review

to February 11, 2004

S120123

B160744 Second Appellate District,
Division Five

PEOPLE v. WALLACE

Time extended to grant or deny review

to February 4, 2004

S120183

B150524 Second Appellate District,
Division Four

THE PEOPLE EX REL. ALLSTATE v. MUHYELDIN

Time extended to grant or deny review

to February 6, 2004

S120371

F041187 Fifth Appellate District

TURLOCK JOINT ELEMENTARY SCHOOL v.
PUBLIC EMPLOYMENT RELATIONS BD.

Time extended to grant or deny review

to February 10, 2004

S120400

F040930 Fifth Appellate District

PEOPLE v. TORRES

Time extended to grant or deny review

to February 6, 2004

S120441

C042641 Third Appellate District

CALIFORNIA INS. GUARANTEE ASSN. v. WCAB

Time extended to grant or deny review

to February 6, 2004

S120451

C041245 Third Appellate District

PEOPLE v. SHAW

Time extended to grant or deny review

to February 11, 2004

S120473

C039718 Third Appellate District

PEOPLE v. GUTIERREZ

Time extended to grant or deny review

to February 11, 2004

S120482G200338 Fourth Appellate District,
Division Three

SENATOR v. AUTO EXPO INC.

Time extended to grant or deny review

to February 6, 2004

S120521B170658 Second Appellate District,
Division Six

MARIAN v. S.C. (OXNARD TOWING)

Time extended to grant or deny review

to February 6, 2004

S120532D042725 Fourth Appellate District,
Division OneSAN DIEGO GAS & ELECTRIC v. S.C.
(CONTINENTAL FORGE CO.)

Time extended to grant or deny review

to February 11, 2004

S018637

PEOPLE v. HOVARTER (JACKIE RAY)

Extension of time granted

to December 26, 2003 to file respondent's brief. After that date, no further extension will be granted. Extension is granted based upon Deputy Attorney General David H. Rose's representation that he anticipates filing that brief by 12/25/2004.

S041630

PEOPLE v. JABLONSKI (PHILIP C.)

Extension of time granted

to February 13, 2004 to file appellant's reply brief.

S046733

PEOPLE v. DEMETRULIAS (GREGORY)

Extension of time granted

to February 9, 2004 to file appellant's reply brief. After that date, no further extension is contemplated. Extension is granted based upon counsel Joseph Baxter's representation that he anticipates filing that brief by 2/7/2004.

S049596

PEOPLE v. BRYANT, SMITH & WHEELER

Extension of time granted

to February 9, 2004 to file the appellant SMITH'S opening brief. The court anticipates

that after that date, only two further extensions totaling 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S055130

PEOPLE v. MORGAN (EDWARD P.)
Extension of time granted

to March 9, 2004 to file appellant's opening brief. Extension is granted based upon Deputy State Public Defender Therene Powell's representation that she anticipates filing that brief by 3/9/2004. After that date, no further extension will be granted.

S066939

PEOPLE v. ALLEN & JOHNSON
Extension of time granted

to February 13, 2004 to file appellant JOHNSON'S opening brief. The court anticipates that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S075616

PEOPLE v. GONZALES & SOLIZ
Extension of time granted

to February 13, 2004 to appellant GONZALES to file the appellant's opening brief. The court anticipates that after that date, only three further extensions totaling 180 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S076721

PEOPLE v. JONES (WILLIAM)

Extension of time granted

to February 13, 2004 to file appellant's opening brief. The court anticipates that after that date, only two further extensions totaling 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S110741

PADILLA (ALFREDO A.) ON H.C.

Extension of time granted

to January 8, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extension will be contemplated. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to

S110988

MARKS (DELANEY G.) ON H.C.

Extension of time granted

to December 19, 2003 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Gary D. Sowards's representation that he anticipates filing that document by 12/19/2003. After that date, no further extension will be granted.

S115377

C033771 Third Appellate District

PEOPLE v. BRITT

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief is extended to and including January 5, 2004.
No further extensions are contemplated.

S116223

E028592 Fourth Appellate District,
Division Two

FITCH v. SELECT PRODUCTS

Extension of time granted

On application of respondents and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to and including December 24, 2003.

S117156

A098396 First Appellate District,
Division Three

KIDS AGAINST POLLUTION v. CALIF. DENTAL

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is hereby extended to and including January 23, 2004.

S117549

HERNANDEZ (JESUS) ON H.C.

Extension of time granted

to January 14, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon Assistant State Public Defender Jay Colangelo's representation that he anticipates filing that document by 1/14/2004. After that date, no further extension is contemplated.

S117816

H023158 Sixth Appellate District

MARINA, CITY OF v. BOARD OF TRUSTEES

Extension of time granted

On application submitted by Susan Popik on behalf of counsel for respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to and including December 29, 2003.

S118272

HEARD (JAMES) ON H.C.

Extension of time granted

to January 14, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy

Attorney General Susan Sullivan Pithey's representation that she anticipates filing that document by 2/14/2004.

S120249

SAMAYOA (RICHARD) ON H.C.
Extension of time granted

to January 12, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling 75 additional days will be granted. Extension is granted based upon Deputy Attorney General John T. Swan's representation that he anticipates filing that document by 3/29/2004.

S120388

TURNER (MELVIN) ON H.C.
Extension of time granted

to January 12, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling 30 additional days is contemplated. Extension is granted based upon Deputy Attorney General William H. Davis, Jr.'s representation that he anticipates filing that document by 2/12/2004.

S020032

PEOPLE v. LEWIS (RAYMOND)
Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for condemned inmate Raymond Anthony Lewis, filed December 3, 2003, is granted.

The order appointing Thomas Kallay as counsel of record for condemned inmate Raymond Anthony Lewis, filed April 5, 1995, is hereby vacated.

Michael G. Millman, as Executive Director of the California Appellate Project (CAP) in San Francisco, is hereby appointed to serve as interim habeas corpus/executive clemency counsel of record for condemned inmate Raymond Anthony Lewis.

Thomas Kallay is directed to deliver to CAP Executive Director Michael G. Millman, within

30 days from the filing of this order, his copy of the record on appeal in *People v. Raymond Anthony Lewis*, all appellate and habeas corpus work product, and all trial files, reports and related materials that he has obtained from trial counsel, paralegals, experts and investigators, or from any other source.

S004687

PEOPLE v. COOPER (KEVIN)
Request denied

The motion of condemned inmate Kevin Cooper, to file under seal for in camera review a portion of privately retained associate counsel David T. Alexander's declaration in support of the "Expedited Motion for Modification of Order to Allow Retained Pro Bono Counsel to Serve as Lead Counsel Replacing Previously Appointed Counsel," is denied. The clerk is directed to return such declaration, lodged conditionally under seal but not yet filed, to the moving party. (See Cal. Rules of Court, rule 12.5(e)(7).)

Unless condemned inmate Kevin Cooper notifies this court in writing within 10 days of the date of the filing of this order that he intends to file the lodged but unfiled document or a substitute forthwith, the court will rule on the expedited motion for modification without considering that unfiled document or substitute.

S040575

PEOPLE v. MARKS (DELANEY G.)
Order filed

court's 150-day statement.

S115738
B160462 Second Appellate District,
Division Two

WARRICK v. S.C. (LOS ANGELES POLICE
DEPARTMENT)
Motion denied

The motion to strike the filing of the opening brief on the merits filed on August. 6, 2003, is denied.

S079656

BACIGALUPO (MIGUEL A.) ON H.C.
Referee appointed

THE COURT:

Based on the record in this matter and good cause appearing:

The Honorable Kevin Murphy, Judge of the Superior Court of California, County of Santa Clara, is appointed to sit as a referee in this proceeding. He is to take evidence and make findings of fact on the following questions regarding the case of *People v. Miguel Angel Bacigalupo* (Santa Clara Superior Court No. 93351; Judge Thomas C. Hastings):

1. What information did the prosecution obtain before or during petitioner's capital trial regarding a possible connection between one Jose Luis Angarita and the murders of Orestes and Jose Luis Guerrero? What, if any, of this information was given to the defense?

2. Did the confidential informant who testified at an ex parte hearing on September 6, 1985, tell a district attorney investigator or other member of law enforcement connected with this case that the informant had witnessed petitioner's meeting with Angarita and others a day or so before the murders? If so, did the prosecution convey this information to the defense? If the confidential informant told a district attorney investigator or other member of law enforcement about a meeting between petitioner and Angarita, was this information reliable?

3. Did the prosecution from any source, including those specified below, obtain any information that it did not provide to the defense that would have supported petitioner's claim to the police that he had killed Orestes and Jose Luis Guerrero acting under the Colombian Mafia's death threats to himself or his family?

(a) Interviews of Ronnie Nance or Steve Price?

(b) Interviews of the confidential informant?

(c) In connection with federal prosecutions for which the confidential informant furnished evidence?

4. If the prosecution withheld from the

defense information (a) about a possible connection between Jose Luis Angarita and the murders of Orestes and Jose Luis Guerrero; or (b) about a meeting between petitioner, Angarita and others a day or so before the killings; or (c) that would have supported petitioner's claim to police that he killed the Guerrero brothers acting under death threats to him and his family, what penalty phase evidence not otherwise known or available to the defense at the time of trial would have come to light had the withheld information been disclosed?

5. Did a district attorney investigator or other member of law enforcement connected with this case instruct the confidential informant to withhold information at the ex parte hearing held on September 6, 1985? If so, what information, if any, did the confidential informant withhold at that hearing? Did the district attorney investigator testify truthfully at the hearing?

6. Is it likely that disclosure of the confidential informant's identity to the defense would have led to evidence not otherwise known or available to the defense at the time of trial that would have supported petitioner's claim to have acted under death threats from the Colombian Mafia? If so, what is that evidence?

7. At the time of trial, what information was known to the prosecution that would have supported a theory that petitioner was hired to commit the murders or that otherwise could have been used to impeach a penalty phase case in mitigation based on petitioner's having acted under duress?

Any requests for discovery in this matter should be addressed to the referee.

S121106

GOLIN v. S.C. (GOLIN)
Order filed

The above-entitled matter is transferred to the Court of Appeal, Sixth Appellate District.

**SUPREME COURT CALENDAR
SAN FRANCISCO SESSION
JANUARY 6 and 7, 2004**

(FIRST AMENDED)

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom, located at 350 McAllister Street, Fourth Floor, San Francisco, California, on January 6 and 7, 2004.

TUESDAY, JANUARY 6, 2004 – 9:00 A.M.

S107616	Huskinson & Brown v. Wolf
S108291	People v. David Woodrow Smith
S113301	Venegas v. County of L.A.

WEDNESDAY, JANUARY 7, 2004 – 9:00 A.M.

S112443	People v. Harold Taylor
S098817	Covenant Care v. Superior Court, County of Los Angeles; Inclan
S114551	In re Raymond Steele on Habeas Corpus

Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

